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**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JANET GRAVES, surviving widow and	)	
next of kin of NATHAN GRAVES,	)	
Plaintiff,	)	
v.	)	Case No. CIV-19-60-SLP
	)	
PENNSYLVANIA MANUFACTURERS'	)	
INDEMNITY CO. & AMERICAN	)	
CLAIMS MANAGEMENT, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S WITNESS AND EXHIBIT LIST**

**COMES NOW** the Plaintiff and submits the following list of witnesses and exhibits. Plaintiff reserves the right to supplement these lists as discovery is ongoing.

**WITNESS LIST**

**WILL CALL:**

1.	Trooper James Lowe, OHP Oklahoma Highway Patrol, Troop A 2480 W. I-240 Frontage Rd. Oklahoma City, OK 73159 405-425-2323	OHP investigation of the facts of the accident and information they obtained as part of their investigation, their conclusions that they have come to based on facts and their opinions about how this accident happened. Testimony about contact with lawyers or investigator. Willingness to cooperate and share information obtained, specifically with regard to Henley and his employment and his scheduled that morning. Specifically, about Tank Farms, Mr./Mrs. Wade, owners of Tank Farms and Henley. That PMIC or AMC did not ask him for info in his file about Henley's employment, etc.
2.	Tony Gann 357001 E. 760 Road Cushing, OK 74023	Will testify that Henley was passing in a no passing zone at the time of the accident. Gann was eyewitness. Will testify about

	918-312-1502	contact with lawyer or investigator. Will testify as per his preliminary hearing testimony in possession of Defendants herein.
3.	Garrett Hunt 1306 W. Dunkin Road Cushing, OK 74023 806-930-7383	Will testify as per his deposition about how the accident happened and contact with investigators or lawyers after the accident. Will testify he did not know Henley and Henley was not working for Hunt Welding.
4.	Bobby Hunt 1306 W. Dunkin Road Cushing, OK 74023	Will testify as per his deposition. His contact with investigators or lawyers after the accident. Will testify Henley was not working for Hunt Welding.
5.	Cyril Landreaux 319 N. Kings Hwy Cushing, OK 74023 918-306-9884	Will testify that Henley passed him just a few minutes before this accident happened in a different no passing zone and that Henley had passed him on other days and other occasions in no passing zones as well. Will testify as per his preliminary hearing testimony in possession of Defendants herein.
6.	Rocky Stevens Tank Farms 3923 N. Little Cushing, OK 74023 405-314-0803	Stevens was to meet Henley at Hwy 99 & Hwy 51 at approximately 6:00 a.m. He will also testify as to what Henley told Stevens after the accident. Will testify about contact with lawyers or investigators after the accident. Will testify that Henley was employed by Tank Farms but not on the job at the time of the accident.
7.	Terry Leikam ACM Claims c/o Daniel Gomez Conner & Winters 4000 Williams Center Tulsa, Oklahoma 74172-0148	Will testify as per his deposition and with regard to how he handled the claim for American Claims Management.

8.	Bryan Wade Tank Farms 3923 N. Little Cushing, OK 74023 918-306-0493	Will testify that they own Tank Farms, Henley was not on the job at the time of the accident. Will testify about contact with investigators or lawyers.
9.	Dave Matthiessen c/o Daniel Gomez Conner & Winters 4000 Williams Center Tulsa, Oklahoma 74172-0148	Will testify that he is Vice President of claims; he was authorized to settle the case, that he did not authorize settlement of the case until after the lawsuit had been filed.
10.	Andy Selfridge Sac & Fox Headquarters 356159 E. 926 Road Stroud, OK 74079 918-290-0552	Will testify about Nathan Graves. His aptitudes, demeanor and love of his family.
11.	Brandi Crisp Sac & Fox Headquarters 356159 E. 926 Road Stroud, OK 74079 918-968-2031 x2036	Will testify about Nathan Graves. His aptitudes, demeanor and love of his family.
12.	Janet Graves c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040	Will testify about how she has been damaged by reason of Nathan's death and also will testify as to contact she had with American Claims Management via Pennsylvania Manufacturer's Indemnity Company and Terry Leikam. Will testify that she did not want to hire a lawyer but did because of delay in settlement. Wife of Nathan Graves. Testimony re: Damages from Delay.
13.	Pamela & Dwayne Graves c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040	Will testify about their relationship with Nathan Graves in the past and how they had been damaged by reason of his death. Parents of Nathan Graves. Will testify about delay.

14.	Laura Graves c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040	Will testify about her relationship with Nathan Graves in the past and how she had been damaged by reason of his death. Sister of Nathan Graves.
15.	Robert Keene c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040 405-496-6332	Will testify that they are the brother and sister-in-law of Janet Graves and that he assisted her in presenting the uninsured motorist claim to the Defendants.
16.	Mark Wilson 531 Longwood Pl. Dallas, Georgia 30132 770-856-3475	Will testify that he is the brother-in-law of Janet Graves. Knowledge of Claim, Knowledge of Damages. Will testify about delay.
17.	Debbie Rankin - Plaintiff/Expert 1300 N.E. 70 <sup>th</sup> St. Oklahoma City, OK 73111	Will testify about her experience and knowledge of how UM claims should be handled and that this claim was handled very inappropriately, in bad faith. She is an insurance claims agent.
18.	Ron Frangione Workers Compensation 13909 Technology Drive, A2 Oklahoma City, OK 73134 405-239-9339	Will testify to relationship of his client Tribal First to this case and his assertion of a repayment claim to Janet Graves, etc.

**MAY CALL:**

1.	Trooper Charles Miller, OHP Oklahoma Highway Patrol, Troop A 2480 W. I-240 Frontage Rd. Oklahoma City, OK 73159 405-425-2285	Their investigation of the facts of the accident, their conclusions that they have come to based on facts and their opinions about how this accident happened. Testimony about contact with lawyers or investigator.
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2.	Justin Shey Henley c/o John Hunsucker 600 West Sheridan Avenue Oklahoma City, OK 73102 405-231-5600	Will testify about how the accident happened, where he had been, where he was going, etc., where he was employed, that he was not on the job at the time of the accident.
3.	Nathan Ross Shields 200 W. 2 <sup>nd</sup> St. Stroud, OK 74079 918-968-2733	Will testify that he was off duty with the Stroud Fire Fighters when he came upon the scene shortly after the accident happened and he tried to find a pulse on Nathan Graves.
4.	Randall Edwin Wright 200 W 2 <sup>nd</sup> St. Stroud, OK 74079 918-968-2733	Will testify that he was off duty with the Stroud Fire Fighters when he came upon the scene shortly after the accident happened and he tried to find a pulse on Nathan Graves. Knowledge of Henley's employment.
5.	Jeanna Wade Tank Farms 3923 N. Little Cushing, OK 74023 918-306-0493	Will testify that they own Tank Farms, Henley was not on the job at the time of the accident. Will testify about contact with investigators or lawyers.
6.	Dhara Patel ACM Claims c/o Daniel Gomez Conner & Winters 4000 Williams Center Tulsa, Oklahoma 74172-0148	Will testify as to his knowledge of how the case was handled.
7.	Trooper Matthew White, OHP, #742 Oklahoma Highway Patrol, Troop YB Stroud, OK 74079 405-425-2285	Their investigation of the facts of the accident, their conclusions that they have come to based on facts and their opinions about how this accident happened. Testimony about contact with lawyers or investigator. Interview with Henley.

8.	Trooper James Loftis OHP Oklahoma Highway Patrol, Troop A 2480 W. I-240 Frontage Rd. Oklahoma City, OK 73159	Will give opinions re: accident and animation he created.
9.	Bobby Raines OHP Oklahoma Highway Patrol, Troop A 2480 W. I-240 Frontage Rd. Oklahoma City, OK 73159	Will testify re: his contact with Wades and Rocky Stevens
10.	Bob Roberts Police Chief Sac & Fox Tribe Sac & Fox Tribal Police Department Stroud, OK 74079	Will testify about Nathan Graves' job performance, his attitude toward his family and about notifying Janet Graves of Nathan's death.
11.	Lowell Snorff 77 W Washington St # 703 Chicago, IL 60602	Will testify that he was contacted in 2018 by the Defendants and was asked to determine certain information and will also testify that he contacted a Trooper and interviewed him about how the accident happened.
12.	Rob Gambell, Old Republic Ins Co. - PMI c/o Daniel Gomez Conner & Winters 4000 Williams Center Tulsa, Oklahoma 74172-0148	Will testify as to how the case was handled. As per his deposition.
13.	Jonathon Graves c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040	Will testify about his relationship with Nathan Graves in the past and how he had been damaged by reason of his death. Son of Nathan Graves. Will testify about delay.
14.	Jacob Graves c/o Howard Berry III	Will testify about his relationship with Nathan Graves in the past and how he

	Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040	had been damaged by reason of his death. Son of Nathan Graves. Will testify about delay.
15.	Caleb Graves c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040	Will testify about his relationship with Nathan Graves in the past and how he had been damaged by reason of his death. Son of Nathan Graves. Will testify about delay.
16.	Janet Keene c/o Howard Berry III Berry Law Firm P.O. Box 892516 OKC, OK 73189-2516 405-524-1040 405-496-6332	Will testify that they are the brother and sister-in-law of Janet Graves and that she assisted her in presenting the uninsured motorist claim to the Defendants.
17.	Patty Wilson 531 Longwood Pl. Dallas, Georgia 30132 770-856-3475	Will testify that she is the sister of Janet Graves. Knowledge of Claim, Knowledge of Damages. Will testify about delay.
18.	Gabriel Valdez	Will testify that he is the grandson of Nathan & Janet Graves, of his relationship with Nathan, etc.
19.	Heather Goudreau Suite 403 45 Knollwood Rd. Elmsford, NY 10523	Will testify that she works for Optima Investigations and that as late as May 30, 2018, she reported on the background of Garrett Hunt.
20.	Jasmine Jones 972-855-6120 GEICO Claims P.O. Box 509105 San Diego, CA 92150	Will testify about her knowledge of how the claim was handled by GEICO and her knowledge of how the claim was handled by American Claims Management and Pennsylvania Manufacturers. Will testify about Henley's coverage.

21.	Tonya Flewellen 1010 Manvel Ave. P.O. Box 38 Chandler, OK 74834 405-258-0804	Will testify about her handling of the case and her February 27, 2018 letter to Daniel Gomez.
22.	Charlie Dougherty Lincoln County Sheriff 811 Manvel, Ste. 14 Chandler, OK 74834 (405) 258-1191	Will testify that he was in on the damages of notification of Janet Graves about her husband Nathan.
23.	Trooper Mike Wallace OHP Oklahoma Highway Patrol Troop A 2480 W. I-240 Frontage Rd. Oklahoma City, OK 73159 405-834-1416	Will testify he interviewed Tony Gann after the accident.
24.	Joyce Dees Police Survivors' 570-7940	What Police Survivors go through

### EXHIBIT LIST

#### WILL USE:

1.	Claims File and Privileges Logs provided by Defendant and numbered 1 through 436. To the extent possible, the specific pages from this file are set forth below but Plaintiff may use additional pages from this claims file.
2.	OHP Major Case Record which is in 4 files on a Disc and Bates Stamped No. 1 through 395. To the extent possible, the specific pages from this file are set forth below but Plaintiff may use additional documents.
3.	Photos of the vehicles involved: a.) At the scene of the accident and b.) Off the scene of the accident.

4.	Autopsy Report. Particularly the front page (100 of the Oklahoma Highway Patrol Major Case Record)
5.	7/6/17 Case Summary (P. 18-22) OHP Report
6.	6/4/17 Matthew White Statement (P. 34) re: 1-24-17 Interview with Henley (P. 34) OHP Report
7.	1/26/17 Randal Wright Statement of 1/26/17 (P. 43-46) OHP Report
8.	1/31/2017 Hunt Interview of 1/25/17 & 1/31/17 (P. 50-52) OHP Report
9.	1/31/17 Rocky Stephens Interview (P. 61) OHP Report
10.	1/31/17 Wade Interviews of 1/3/17 (P. 62-63) OHP Report
11.	Oklahoma Highway Patrol Report with addresses and phone numbers that was in the Leikam Claims File as early as 2017. 158-161
12.	Gomez letter (406-407). May 29, 2018
13.	Economist Report from approximately September 29, 2017.
14.	Berry Letter (PMA 408). September 18, 2018
15.	Berry Letter of April 10, 2018 (PMA 326).
16.	Gomez letter April 4, 2018 (PMA 324-325).
17.	Gomez letter of September 5, 2018 (424-425).
18.	Berry letter of March 28, 2018 (PMA 322).
19.	Insurance policy contained at PMA 98-156 showing \$1 Million UM Insurance.
20.	Transcript of Preliminary Hearing (PMA 329-404).
21.	The PMA Promise (PMA 101).
22.	The Oklahoma Uninsured Motorist endorsement from insurance policy (PMA 145-149).

23.	Another OHP report (PMA 177-184).
24.	Large Loss Report of February 20, 2017 (PMA 196-2000)
25.	Updates to the Large Loss Report of February 20, 2017 which were created on or about July 11, 2017, October 9, 2017, January of 2018, and June of 2018. (Part of PMA Claim File)
26.	ACM Claims Policy (PMA 439-443).
27.	Old Republic Claims Practices (PMA 444-452).
28.	Attorneys Fee Contract.
29.	Large package of family photos.
30.	Nathan Graves' Birth Certificate.
31.	Nathan Graves' Death Certificate.
32.	Marriage License and Certificate of Nathan Graves to Janet Graves.
33.	Birth Certificates of the Graves' children.
34.	Documents that deal with subrogation claim by Plaintiff's employer's insurance company.
35.	Title 36 (particularly § 1250.5 & 1250.7 indicating that an insurance company has a duty to effectuate a prompt, fair and equitable settlement within 120 days after receiving proof of loss and particularly where liability has become reasonably clear.
36.	Documents relating to finances of Defendants for establishing Punitive Damages. Annual Statements for 2017 and 2018, filed with the State of Oklahoma. PMA Statement of Actuarial Opinion of December 31, 2017 Independent Auditors Report by KPMG dated 2-28-2018
37.	Notepad – Pages 1-96 with all redacted material and headers to redacted material deleted.
38.	Calendars – January 2017 through April of 2019 with notations of events.
39.	One Page Month by Month Summary of Events.

**MAY USE:**

1.	Police Diagrams from OHP Report.
2.	Written Statement by Janet Graves
3.	Written Statement by Pamela Graves
4.	Written Statement by Mark Wilson

RESPECTFULLY SUBMITTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

The BERRY LAW FIRM

s/ Howard K. Berry, III

Howard K. Berry, III, OBA #754

P.O. Box 892516

Oklahoma City, OK 73189-2516

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*Counsel for Plaintiff*

**Certificate of Service**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

s/ Howard K. Berry, III